

MARTHA MILLSAPS,)
)
 Plaintiff,) No.
 v.)
) JUDGE _____
 MCELROY TRUCK LINES, INC.,) MAGISTRATE JUDGE _____
)
 Defendant.) JURY DEMAND
)

Pursuant to 28 U.S.C. § 1332, 1441, and 1446, Defendant McElroy Truck Lines, Inc., by counsel, file this Notice of Removal of this action from the Circuit County Court in Blount County, Tennessee, where it is now pending, to the United States District Court for the Eastern District of Tennessee based upon diversity of citizenship and an amount in controversy exceeding \$75,000.00. The grounds for removal are as follows.

1. This action was commenced on or about January 31, 2020 by Plaintiff's filing of the Complaint in the Blount County Circuit Court in Blount County, Tennessee, Case No. L-20421 (the "Complaint"). True and accurate copies of the pleadings filed in this action and summons are attached as *Exhibit A*.

3. The Complaint contains allegations of negligence and seeks damages in the amount of five hundred thousand dollars (\$500,000.00) on behalf of Plaintiff Martha Millsaps. Thus, the amount in controversy exceeds the threshold requirement for removal pursuant to 28 USC § 1332.

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5. The Defendant, McElroy Truck Lines, Inc. is a corporation organized under the laws of Alabama, with its principal place of business located at 111 U.S. Highway 80 Spur Road, Cuba, AL 36907.

6. The United States District Court for the Eastern District of Tennessee has original jurisdiction over this action pursuant to 28 U.S.C. § 1332 as there is complete diversity of the parties, and the amount in controversy exceeds \$75,000.00 exclusive of interest and costs.

7. A copy of this Notice of Removal is being served by U.S. mail on the Plaintiff's Attorney, and a Notice of Filing of Notice of Removal is being filed with the Blount County Circuit Court in Maryville, Tennessee, in accordance with 28 U.S.C. § 1446(d). Copies of those notices are attached as *Exhibit B*. The necessary filing fees have been paid simultaneously with the filing of the Notice of Removal.

8. Defendant demands a jury to try this case.

WHEREFORE, Defendant prays this Court consider the Notice of Removal as provided by law governing removal of cases to this Court and that this Court enter the appropriate orders to effect the removal of this case from the Blount County Circuit Court in Maryville, Tennessee to this Court.

Respectfully submitted,

/s/ David A. Chapman
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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this the 21st day of February, 2020, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

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/s/ David A. Chapman

David A. Chapman